



राजपत्र, हिमाचल प्रदेश (असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, बृहस्पतिवार, ४ दिसम्बर, १९६९/१३ अग्रहायण, १८६१

GOVERNMENT OF HIMACHAL PRADESH

FOREST DEPARTMENT

NOTIFICATION

Simla-4, the 28th October, 1969

No. Ft. 12-114/58 (M).—In exercise of the powers vested in him under section 75 of Himachal Pradesh Private Forest Act, 1954 (6 of 1955), the Lieutenant Governor, Himachal Pradesh is pleased to make the following rules the same having been previously published in Himachal Pradesh Rajpatra (Extraordinary), dated 14-3-1961.

1. These rules may be called the Himachal Pradesh Private Forest Rules, 1969.

2. In these rules unless there is anything repugnant in the subject or context:—

(a) 'Act' means the Himachal Pradesh Private Forest Act, 1954 (6 of 1955);

(b) 'Section' means a section of the Act;

(c) the terms 'Collector', 'Controlled Forest', 'Estate', 'Fee', 'Forest', 'Forest Offence', 'Forest Officer', 'Forest Settlement Officer', 'Land Lord', 'Notification', 'Owner', 'Notified Forests', 'Private Forests', 'Prescribed', 'Right holder', 'Rule', 'State Government', 'Timber', 'Tree', 'Waste Land', 'Working Plan', and 'Year' used in these rules shall have the same meaning as assigned to them in their definitions given in section 3 of the Act.

3. **Notice to Owner(s).**—The Forest Officer before submitting any proposals for notifying any private forest as 'Notified Forest' under section

4 of the Act will serve a notice in Hindi or Local vernaculars on the owner(s) intimating of the action contemplated by the State Government and calling for his/their objections if any, within 30 days of receipt of such notice and such objections shall be considered by the State Government before notification under section 4 of the Act is issued.

4. Rules under clause (a) of section 7 read with section 9 to regulate the rights to cut, collect or remove timber etc. from notified Private Forests.—

(1) The issue of permits to cut, collect or remove trees, timber or fuel from a notified forest for purposes other than the domestic requirements of the owner or the rightholders including manufacture of agricultural implements or cremation of dead bodies shall be governed by rules framed under sections 11, 14, and 15 of the Act.

(2) A right-holder shall cut trees, timber or fuel from a notified forest only to the extent specified in his rights. He shall not sell or otherwise transfer any timber obtained by him in the exercise of a right.

5. Rules under clause (b) of section 7 to regulate the rights to reclaim land in a notified Private Forest for purposes of cultivation (including raising of fruit orchards).— (1) The owner of a notified forest wishing to bring his forest or a portion thereof under cultivation or fruit orchards shall apply for permission to do so to the Forest Officer, i.e., the Divisional Forest Officer having territorial jurisdiction over the said area giving full particulars of the situation, *khasra* numbers and extent of the area. The applicant should also state that in case permission is granted would he like to sell the trees to be cut for clearing the land through the Forest Department or direct to Contractors.

(2) Permission to reclaim any land for cultivation (including raising of fruit orchards) in notified forests will be granted only if:—

- (i) The owner or owners of a private forest do not possess sufficient cultivable land. For this purpose, 60 bighas cultivable land will be considered as sufficient.
- (ii) The slope of the land to be reclaimed for cultivation is not more than 20%.
- (iii) The land required to be reclaimed does not form an isolated patch in the middle of a notified forest or other Government Forest or waste land surrounding it.
- (iv) The land required to be reclaimed is not to be converted into a *Ghasni* or used for temporary cultivation.
- (v) The applicant pays 15 per cent of the sale price of trees assessed as per rule 7 of the rules issued under sections 11 and 15 (i) of the Act.
- (vi) The applicant undertakes to abide by the terms of the bond appended to these rules in regard to bringing it completely under cultivation within a maximum period of 3 years or fruit orchards as the case may be within a maximum period of 5 years of the grant of permission for its reclamation and in proof of his earnestness deposits security of 5 per cent of the balance amount after due payment of 15 per cent of the sale price of the timber to the Forest Department, Himachal Pradesh Government.

The security shall be deposited in the form of Post Office S.B. Deposits pledged to the Forest Officer. The security money will be returned if the land is brought under proper cultivation within three years or utilized for raising a fruit orchard as the case may be within the stipulated period of 5 years, to the satisfaction of the Forest Officer, but failing that, the amount of security deposits will be forfeited to Government.

(3) The Forest Officer after satisfying himself, about the ownership, boundaries and rights over the area etc., shall arrange to get the trees marked if in his opinion requisites as per rule (4) are fulfilled and permission for breaking up the land for cultivation or raising of fruit orchards in part or whole could be granted. The Forest Officer shall be empowered to permit clear felling of the area or gradual removal of trees as cultivation or planting or fruit trees progresses. Provided that permission will not be granted for clear felling of more than 10 bighas at a time. Further permission will be granted for not more than 10 bighas at a time. Provided the area for which permission has been granted earlier is developed as an orchard or brought under cultivation to the satisfaction of the Forest Officer.

(4) When the landlord or the owner has paid the Government fees vide rule 5 (2) (v) and made security deposits vide rule 5 (2) (vi) the Forest Officer shall issue a permit granting permission for reclaiming the land for cultivation or fruit orchards in the form appended to these rules and shall also issue a licence on the prescribed form for felling and disposal of trees under section 11 of the Act.

(5) The rules made under section 11, 14 (1) and 15 (1) and (2) regarding the felling of trees, their conversion and extraction and removal of the produce shall be deemed to be the rules made under this section as well to regulate the same operations.

6. *Rules under section 10 to regulate the right of landlord or persons claiming through the landlord to cut or remove timber or other forest produce from a notified forest.*—(1) The land lord or a lessee or any other person claiming through the landlord shall not cut or remove or permit any person to cut and remove any tree, timber or other forest produce in or from a notified forest so as to affect the rights of any person which he enjoys under law, custom or usage.

The Forest Officer shall determine and limit the quantity of timber and other forest produce to be cut and removed by the landlord or a lessee or any other person on behalf of the landlord, should the timber and other forest produce to be removed from a notified forest under the provisions of a sanctioned working plan or silviculturally available in an area for which no working plan has been prepared be insufficient to meet the requirements of rightholders.

(2) An appeal against the orders passed by the Forest Officer under sub-rule (1) shall lie with the territorial Conservator of Forests whose decision shall be final. The appeal shall be preferred within a period of three months of the communication of the order.

7. *Rules under section 11 read with section 15 (1) to regulate grant of licences to fell trees and fees for sale of trees.*—(1) The owner/owners of a private forest wishing to sell trees from his forests shall apply for permission to do so to the Forest Officer, i.e., the Divisional Forest Officer having territorial jurisdiction over the said area giving full particulars of the situation, khasra numbers and acreage of the area.

The applicant should also state if he would like to sell the trees through the Forest Department or direct to any contractor in case the permission for sale is granted to him.

(2) The application should be accompanied by:—

(a) A shajra map of the area duly verified by the Patwari.

(b) A certificate issued by the Halqa Kanungo to the effect that the applicant/applicants is/are the sole owner/owners of the area and that the said area is free from rights of users. If the area

is encumbered with any rights, the nature and extent of rights may also be clarified in the said certificate.

(3) The Forest Officer after satisfying himself about the ownership, boundaries and rights over the area shall arrange to get the trees marked through the territorial Range Officer or any authorised assistant according to prescriptions of the working plan or scheme for the area. If no regular working plan or scheme exists for the area then trees will be got marked according to silvicultural requirement of the crop and also keeping in view the necessity for conservation of soil and moisture and interest of general public and that of rightholders over the area.

• (4) If no trees can be marked over the area the Forest Officer shall inform the applicant accordingly giving specific reasons in this respect. An appeal against the orders of the Forest Officer shall lie with the Territorial Conservator of Forests within a period of 3 months from the date of original order whose decision shall be final.

(5) Permission for sale of trees shall be granted subject to restrictions and limitations imposed under section 10 in the prescribed form.

(6) If the owner wishes to sell the trees marked through the Forest Department, then the Forest Officer shall arrange sale through auction or calling for tenders as he deems fit.

(7) The landlord or the owner selling the trees shall pay 15% of the sale price as fees to the State Government. If the sale is made through the Forest Department, then 15% of the actual amount realised shall be payable as fees but if the landlord or the owner chooses to sell the trees direct to any contractor then the sale price of the trees marked will be assessed according to the following principles which shall be deemed accepted principles vide sub-clause (3) of section 11 and 15% of the value of trees marked so worked out shall be payable as State fees:—

(i) if the volume marked is less than 1,400 cubic metres, the sale price will be worked out at the rate of 30% of the market rates for the Forest Division concerned for different species;

(ii) for volume marked from 1,400 to 2,800 cubic metres, 2,800 to 5,600 cubic metres and above 5,600 cum, the sale price will be worked out at the rate of 50%, 75% and full market rates respectively;

(iii) for purposes of assessment of the sale price market rates will be those fixed by the Chief Conservator of Forests, Himachal Pradesh annually for each Forest Division or locality for different species.

(8) On payment of Government fees by the landlord or the owners of the trees, the Forest Officer shall issue a licence for the sale and felling of trees in his favour on the form appended with these rules and subject to the conditions appearing on the back of the form.

(9) Prescriptions of the Working Plan/Scheme and instructions issued by the Forest Officer regarding conduct of fellings and conversion of the produce shall be deemed to be the rules for cutting of trees under this clause provided that trees are not cut at a height of more than 15 centimetres from the ground and no bamboo cum less than one year old is cut and provided further that no charcoal burning is done without the permission of the Forest Officer in writing or in contravention of the directions issued by him.

(10) The licence shall be surrendered to the issuing authority on the expiry of its period and work stopped unless the period of licence is further extended by the Forest Officer.

(11) The Forest Officer may at any time cancel the licence in case of abuse or breach of any rules and conditions, stop the work and seize the trees or produce thereof to realise any Government dues. In the event of cancellation of the licence, the licensee shall have no claim against the Forest Officer or the State Government for any loss or damages on this account nor shall he be entitled to any refund of fees paid by him. An appeal against the order of the Forest Officer shall lie with the Territorial Conservator of Forests within a period of 3 months from the date of original order.

8. *Rules under section 12 to regulate, preparation of plan for notified private forests.*—(1) The period within which any owner of a notified forests will be directed to prepare a Working Plan in the manner prescribed by the Forest Officer shall not be less than one full year if the area is 400 hectares and above in extent and 6 months for areas below 400 hectares in extent to be reckoned from the dated directions are issued by the Forest Officer. No Working Plans shall be required for notified forests less than 10 hectares in extent.

(2) Permission to cut, collect or remove timber or fuel for sale in a notified forest shall not be granted in areas for which a Working Plan is required to be made untill such Working Plan is approved by the competent authority.

(3) The competent authority to sanction Working Plans of notified forests shall be as follows:—

(a) Divisional Forest Officer ... Area 10 to 20 hectares.

(b) Conservator of Forests, Incharge territorial or Working Plan Circle ... Area above 20 hectares.

The Working Plan shall be subject to review by the Chief Conservator of Forests in case the owner prefers an appeal.

(4) If the owner of a notified private forest wishes that Working Plan be prepared by the Forest Officer on his behalf under section 12(2) then he shall communicate his wishes to the Forest Officer within a period of 3 months of the receipt of notice served on him by the Forest Officer regarding preparation of Working Plan vide Rule (1) above.

(5) If the cost of the Working Plan is to be borne by the owner as per provisions of sub-clause (5) of the section the Forest Officer shall present a regular bill to him and the owner shall pay up the amount within 6 months of receipt of the bill, failing which the amount of the bill will be recovered from him as arrears of land revenue.

9. *Rules under section 14 (1) and 15 (2) to regulate extraction and removal of timber from notified private forests.*—(1) Save for trees, timber and fuel required by the owners or the right-holders for domestic purpose, manufacture of agricultural implements or cremation of dead bodies, no trees shall be felled unless they are duly hammer marked by the Range Forest Officer incharge of the territorial Forest Range or covered by a licence to be issued under rules framed under sections 7, 11 and 15 (1) of the Act. If any trees as irretrievably damaged in the course of felling, the licensee shall obtain a fresh licence for their disposal and shall not fall or convert them till then.

(2) The removal of trees, timber, fuel or charcoal by land or river shall be strictly in accordance with the general and specific rules and regulations enforced by the Himachal Pradesh Government for the locality from which trees, timber fuel and charcoal is desired to be removed.

10. *Rules under section 14 (2) to regulate resin tapping in Private Chil, Kail Forest.*—(1) The owner of a private chil/kail forest wishing to carry

out resin tapping in his forest shall apply to the Forest Officer, i.e., the Divisional Forest Officer having territorial jurisdiction over the said area or any subordinate officer authorised by him in this behalf, giving full details of the situation khasra numbers and extent of the area.

(2) The application should be accompanied by:—

- (a) A shajra map of the area duly verified by the Patwari.
- (b) A certificate issued by the Halqua Kanungo to the effect that the applicant/applicants is/are the sole owner/owners of the area that the said area is free from rights of users. If the area is encumbered with any rights their nature and extent may also be clarified in the said certificate.

(3) The Forest Officer after satisfying himself about the ownership, boundaries and rights over the area shall arrange to get the trees fit for resin tapping enumerated, punch marked and listed.

(4) The Forest Officer shall grant permission to the owner to carry out resin tapping on trees so marked and listed in the form appended to these rules. No resin shall be extracted from any other trees or without the permission in writing by the Divisional Forest Officer.

(5) Resin tapping rules and regulations laid down in technical order No. 13 and instructions issued from time to time by the Forest Officer shall be deemed to be the tapping rules under this section. Ordinarily light tapping will be done. Heavy tapping will only be permitted on trees for which the owner holds a felling licence. The following instructions will be strictly adhered to:—

- (i) The first channel will be near the ground on the southern face of the tree. In case of trees which have been tapped previously, it is possible that the last channel may not have reached the permissible height. In such cases the old channels will be continued. New blazes will be set only on trees which have either no channel or the old channel has been tapped for atleast four seasons.
- (ii) In case of new blazes the intervening space between successive blazes will be at least 13 cms. at the ground level and at least 10 cms (ten centimetres) at the top level of the previous channel discontinued after four years tapping.
- (iii) The length of the blazes in the first year shall not exceed 48 cms. (forty eight centimetres) and for the subsequent years a blaze shall not exceed 38 cms. (thirty eight centimetres) in length at the end of a tapping season. Width and depth of channel shall not exceed 10 cms. (ten centimetres) and 2.5 cms. (two and half centimetres) respectively.
- (iv) The ground will be kept clear of chips, shavings and other inflammable material upto one metre all round the trees undertapping on level ground and in case of sloping ground upto a distance of 2 metres down ward and one metre upwards respectively.
- (v) The freshning will be done after every six days and not more than 9 mm will be cut at each freshning.

11. Rules under section 17 to regulate the rights of grazing of cattle in notified forests.—(1) The right holders shall graze cattle in notified forests only to the extent specified in their rights admitted under law, through customs or usage.

(2) No right-holder shall pasture or cause to be pastured in a notified forest any cattle of which he is not the owner.

12. Rules under section 18 (4) to regulate the disposal of forfeited forest produce.—(1) Any tree, timber or other forest produce forfeited under section 18 shall be transferred to the charge of the Forest Officer by the Collector. The Forest Officer shall dispose of the said trees, timber or other forest produce to the best advantage and shall deposit the sale proceeds thereof in a Government Treasury to the credit of the Provincial Government as revenue to the Forest Department. If for any reason there is no Forest Officer available to take charge of the forfeited articles, the Collector shall sell away the said articles, and credit the sale proceeds in the same manner. Provided that the said articles shall not be disposed of by way of sale or otherwise, until the expiry of the period for filing appeal against the order of the Magistrate and in case an appeal has been preferred, until the decision of the appeal. The articles after the decision shall be disposed of keeping in view the orders of the appellate court:

Provided further, when the said articles seized are subject to speedy and natural decay or when the expense of keeping them in custody is likely to exceed their value, the same may be sold.

13. Rules under section 20 (2) to regulate the service of a copy of notification on the landlord.—(1) As soon as a notification under section 20 is issued, the Collector shall serve a copy thereof on the landlord where there is a sole landlord, or where there are two or more landlords, on each landlord. If the Collector has reason to believe that the landlord or landlords has or have transferred his or their rights to some other person or persons, he shall serve a copy of the notification on each transferee or transferees.

(2) In each case under the proceeding rule the copy of the notification shall be forwarded by post in a cover registered under Chapter V of the Indian Post Office Act, 1898 (VI of 1898).

(3) The Collector shall also cause a copy of the notification to be affixed in conspicuous place in every town and village, the revenue survey area of which contains any part of the forest comprised in the notification and shall further cause the purport of the notification to be published by beat of drum in such of the above towns and villages as the Collector may consider necessary.

(4) If for any reason the copy of the notification forwarded in the manner indicated in sub-rule (2) is not received by any landlord or landlords or any transferee or transferees, as the case may be, it shall not in invalidate to Collector's proceedings under the Act provided due publicity to the notification has been given by affixing a copy thereof and by announcing the purport of it by beat of drum in the locality and in the manner prescribed in sub-rule (3).

14. Rules under section 21 (1) to regulate the manner of hearing the landlords' objection under section 20 (c).—(1) The procedure followed by the Revenue Court shall *mutatis mutandis* be followed by the Collector in hearing an objection presented in writing under section 20 (1) (c).

(2) The Collector shall give due notice of the date of hearing to the Forest Officer appointed under section 34 and shall supply him with a copy of the landlord's objection, if any presented in writing and the Forest Officer may, if he considers it necessary, be present at the hearing and shall be entitled to produce evidence or adduce arguments if any, and such evidence or argument or cross-examination shall be recorded by the Collector and be taken by him, in to consideration in passing orders under these rules.

15. Rules under section 21 (2) prescribing the period within which shall be filed a revision application against the Collector's order under section 21(1).—The period prescribed for filing a revision application under section 21 (2) shall be 90 days from the date of the order passed by the Collector under section 21 (1).

16. Rules under section 21 (4) prescribing the procedure to be followed by the Forest Settlement Officer in hearing the landlord in an enquiry conducted under section 21 (3) (c).—As soon as a notification under section 21 (3) is issued, the Forest Settlement Officer shall, in the manner prescribed in the rules under section 20 give an opportunity to the landlord to be heard in the enquiry referred to in section 21 (3) (c).—The landlord shall be allowed for this purpose time of one month from the date of receipt of the notice by him.

17. Rules under section 30 (2) to regulate the manner of publishing order under section 30 (1).—The Collector shall cause a translation of the order passed by the State Government under section 30 (1) to be made into the local vernacular and published in every town and village in the neighbourhood of the said private forest.

18. Rules under section 32 prescribing the authority to hear the appeal against the orders of the Forest Settlement Officer.—The prescribed authority under section 32 shall be the Collector of the district in which the forest is situated provided that where the Collector himself is the Forest Settlement Officer, the prescribed authority shall be the Commissioner, Himachal Pradesh.

19. Rules under section 44 to prescribe the time for payment of allowance and net profits to the landlord.—The allowance referred to in section 44 (1) (i) (a) shall be paid to the landlord in October each year. The net profit for a financial year shall be paid in the month of May next year after deducting 10 per cent towards the cost of management as provided in section 44 (1) (i) (b).

20. Rules under sub-section (2) of section 75 to regulate the cutting, sawing, conversion and removal of trees and timber, and the collection, manufacture and removal of forest produce from controlled forests.—(1) In the interval between the issue of notification under section 20 and 35 of the Act the provisions of the orders issued by the State Government under section 30 of the Act shall be deemed to be the rules made under this clause.

(2) The prescriptions of the sanctioned Working Plan or Working Scheme for a controlled forest shall be deemed to be the rule for marking and cutting of trees under this clause.

(3) No trees shall be cut unless they have been duly hammer marked by the Forest Officer.

(4) The removal of timber by land or water routes and collection and removal of other forest produce shall be subject to rules and regulations enforced by the State Government, in this behalf from time to time. Rules 2 to 5 made under section 14 (1) and 15 (2) of the Act regarding export of timber, fuel and charcoal shall be deemed to be the rules made under this clause as well.

21. Rules under clause (b), (c), (d) and (e) of sub-section (2) of section 75 to regulate the grant of licences to persons for taking for their own use or felling or removing for purpose of trade any trees timber and other forest produce from controlled forests and the payments if any, to be made for the grant of licences and the places where such payments shall be made.—(1) After meeting the requirements of landlord and the right-holders all trees

marked in a Controlled Forest according to the prescriptions of a Working Plan or Working Scheme and all other surplus forest produce shall be disposed off by public auction or any other method approved by the Territorial Conservators of Forests.

(2) No persons other than the owner or right-holders of Controlled Forests who have been allowed to cut and remove timber and other forest produce under section 41 of the Act shall take, tree, timber or other forest produce from such forests for their personal use unless they hold a pass, permit or licence for such tree, timber or other forest produce issued in their name by the Forest Officer or having paid the stipulated price thereof. Provided that no permit shall be required when wood is required for cremation purposes.

(3) All persons permitted by the Forest Officer to take any forest produce shall carry with them the pass, permit or licence granted to them by such Forest Officer when they go to the particular forest or coupe for taking the forest produce and produce it on demand by any Forest Officer on duty.

(4) No person shall be allowed to fell or remove any timber or other forest produce from a Controlled Forest for the purposes of trade unless he has entered into agreement in this behalf with the State Forest Department. All fellings and removal of any such forest produce by such persons shall be subject to the term and conditions laid down in the instrument of sale or lease executed or in the licence issued under these rules.

(5) All payments to be made for such trees, timber or other produce, the time of making payments and the places where such payments shall be made in accordance with provisions of the said instrument of sale or lease or licence.

22. Rules under clause (f) of sub-section (2) of section 75 to regulate the examination of forest produce passing out of Controlled Forests.—(1) Any forest produce passing out of Controlled Forest shall be covered by a pass, permit or licence issued under these rules by the Forest Officer in a form prescribed by him. Provided that no pass or licence shall be required when wood is required for cremation purposes.

(2) If the forest produce, referred to in sub-rule (1) is, timber, the said pass, permit or licence shall bear a proper hammer mark or any other mark of the Forest Department.

(3) All forest produce, in transit may be stopped and inspected at any place by any Forest Officer and all persons incharge of forest produce shall be bound to produce the pass, permit or licence when called upon to do so by such officers. If the said forest produce is not covered by a pass, permit or licence as required under sub-rule (1), or if the entries in the pass, permit or licence produced by the said person or persons do not agree with the forest produce in transit, a forest offence in respect of the forest produce would be deemed to have been committed and the forest produce in transit together with all tools, boats, carts, motor trucks or cattle etc., shall be liable to seizure by any Forest Officer.

(4) Where check posts have been established along the route for examination of forest produce in transit by land or water such forest produce shall pass through such check posts and the persons in-charge of the said forest produce in transit shall get the pass, permit or licence endorsed by the Forest Officer in-charge of the check post. No forest produce shall pass through a check post after sunset and before sunrise.

23. Rules under clause (g) of sub-section (2) of section 75 to regulate the clearing and breaking up of land for cultivation or other purposes in controlled Forests.—No clearing or breaking up of land for cultivation or other purposes will be permitted in Controlled Forests.

24. Rules under clause (h) of sub-section (2) of section 75 to regulate the protection from fire of timber lying in Controlled Forests and trees.—(1) Any person authorised to collect any inflammable forest produce including grasses and bamboos within the limit of a Controlled Forest shall do so in stacks in an open space at a reasonable distance from such forests so as to involve no danger to the said forest in the event of ignition of the stacks.

(2) No person shall camp within a controlled forest at any place other than a place cleared and set apart for the purpose of camping by the Forest Officer. The Forest Officer shall in each year publish a list of places which may be used as camping grounds during that year.

(3) No person shall carry any burning wood, 'Mashal', lighted biri or cigarette or any other burning matter along the boundary of or through Controlled Forests.

(4) No person shall kindle a fire for the purpose of clearing any standing forest or grass land near a Controlled Forest in such manner as to endanger such forest, unless:—

(a) he gives at least one week's notice to the Forest Officer or the nearest Ranger or Forester of his intention to do so;

(b) he clears a belt of land at least 6 metres broad on that side of the land which he proposes to burn which is nearest to such forest.

(5) No person shall kindle any fire referred to in sub-rule (4) on any day or at any time when high wind is blowing.

(6) No person shall kindle fire for the purpose of burning any wood, grass, weeds or other cut materials on land adjoining a Controlled Forest unless such materials are first collected into heaps and the heaps are burnt separately in such a manner as not to endanger such forest.

(7) No person shall kindle fire for cooking near a Controlled Forest in such a way as to endanger such forest and any person who kindles any such fire near a Controlled Forest shall extinguish it before leaving the spot on which the fire was kindled.

(8) These rules shall apply only during the period beginning with the first day of October and ending on the first day of July in each calendar year.

25. Rules under clause (i) of sub-section (2) of section 75 to regulate the cutting of grass in Controlled Forests.—(1) Cutting of grass by the landlord shall be regulated by the Forest Officer according to provisions of section 41 of the Act.

(2) The right-holders shall be permitted to cut grass to the extent their rights are admitted in a Controlled Forest under section 26 (I) (d).

(3) Non-right-holders shall be permitted to cut grass from a Controlled Forest only if in the opinion of the Forest Officer the produce in excess of the requirements of the landlord, and the right-holders. Only grass cutting will be allowed by the Forest Officer on permits to be issued on payment of fees and under rules approved by the Territorial Conservator of Forests.

26. Rules under clause (l) of sub-section (2) of section 75 to regulate hunting, shooting, fishing, poisoning water and setting traps or snares in Controlled Forests.—(1) Hunting, shooting, fishing, poisoning of water and setting traps and snares in a Controlled Forest shall be regulated by the

Forest Officer on issue of permits according to the rules and regulations in force for Government protected forests in the State.

(2) The Territorial Conservator of Forests may at any time declare that any Controlled Forest or part thereof (hereinafter called the Sanctuary) shall be closed to shooting and hunting of all games either permanently or for such temporary period as he may specify in his order.

(3) Subject to the control of the Conservator of Forest the Forest Officer shall divide all Controlled Forests other than the sanctuaries into shooting blocks and shall fix the number of animals or birds which may be killed in any such block in any particular year and shall restrict the killing of animal or birds so as to prevent such number being exceeded.

(4) No person, other than a permit holder or any exempted person shall hunt, shoot, fish, poison water or set up traps and snares in any Controlled Forest.

(5) This rule shall not require the landlord of a Controlled Forest or any person authorised by him and by the Forest Officer to obtain a permit, or to pay any fee to hunt, shoot, or fish in such forests.

27. Rules under clause (k) of sub-section (2) of section 75 to regulate the burning of charcoal, or the subjection of any forest produce to any manufacturing process in controlled forests.—(1) Burning of charcoal in a Controlled Forest is prohibited except under permission of the Forest Officer in writing and subject to such conditions with regard to season and site etc., as the Forest Officer may fix. Any instructions issued in this behalf by the Forest Officer shall be deemed to be the rules issued by the State Government under this clause.

28. Rules under clause (b) of sub-section (2) of section 75 to regulate the exercise in controlled forests of any rights of right-holder.—(1) In the Controlled Forests each right-holder shall be entitled to an allotment of timber and other forest produce according to the maximum quantity admitted under clause (c) of sub-section (1) of section 26 of the Act, but should in any year the yield from a coupe or portion of the forest to be worked under the prescriptions of the Working Plan/Scheme be insufficient to meet the maximum requirements of right-holders, the Forest Officer shall determine for this year the quantity of timber or other forest produce which each right-holder may take under section 48 of the Act read with sections 41 and 45 of the Act.

(2) The right of grass cutting in Controlled Forests shall be exercised in accordance with rules made under section 75 (2) (i).

(3) A right-holder will cut only such trees which have been duly marked by the Forest Officer and specifically allotted to him. Cutting of any other trees by the right-holders shall be treated as an offence under the Act.

(4) A right-holder will not be allowed to remove his requirements unless he holds a permit issued in his name by the Forest Officer or his duly authorised assistant. He must carry this permit with him when he goes to the forest for removal of the forest produce and shall show it to any Forest Officer on demand. Provided that these restrictions shall not apply when wood is required for cremation purposes.

(5) Trees will be cut at a height of not more than 15 cms from the ground and no bamboo clum less than one year old will be cut. The cut produce will be properly stacked by the right-holders in the forest and not removed till after it has been checked and entered on the permit by a Forest Officer on duty.

(6) No right-holder shall sell or transfer any timber obtained by him for his domestic requirements in exercise of his rights.

(7) If any Controlled Forests are grouped by the Forest Officer under section 46, the rights therein shall be exercised in the manner specified and as directed by the Forest Officer under section 41.

29. Rules under clause (m) of sub-section (2) of section 75 to regulate the rewards to be paid to officers and informers out of the proceeds of fines and confiscations under the Act.—(1) All non-Gazetted Government Officers and persons not in the employment of Government are eligible for rewards under these rules.

(2) Where any Magistrate or Court has imposed a fine for any forest offence under the Act, such Magistrate or Court shall send a report of the imposition and realisation of such fine to the Forest Officer.

(3) The Forest Officer may grant rewards in such proportions as he thinks fit to persons instrumental in the detection of the offence, the seizure of the article or the capture of the offenders:

Provided that—

(i) the total rewards paid in respect of any forest offence shall not exceed the amount of fine realized and the sale proceeds of any articles confiscated;

(ii) a reward exceeding Rs. 10 shall not without the previous sanction of the Conservator of Forests, be paid in respect of a forest offence.

(4) (i) When it has been decided to grant to any person a reward not exceeding Rs. 100 the whole amount of such reward shall be paid without any delay to such person.

(ii) When it has been decided to grant a reward exceeding Rs. 100 to any person, Rs. 100 of the amount of such reward shall be paid without any delay to such person, and the balance shall be paid to him after the expiration of the period allowed for filing an appeal against the decision of the Magistrate or Court trying the offence in respect of which the reward has been granted.

(iii) If the conviction for a forest offence in respect of which a reward has been paid to any person is reversed on appeal, the amount paid to such person shall not be recovered from him unless the officer granting the reward is satisfied that such person has acted fraudulently in obtaining such reward.)

✓(5) When a Forest Officer, has under section 64 of the Act accepted a sum of money as compensation, a reward may be paid by the Forest Officer to any person who may have contributed to the discovery of the suspected offender:

Provided that:—

(i) the Forest Officer shall not without the previous sanction of the Conservator of Forests, pay a reward exceeding Rs. 10 in respect of any one suspected offence; and

(ii) the total reward paid in connection with the discovery of any one suspected offence shall not exceed the sum recovered as compensation.

30. Rules under clause (n) of sub-section (2) of section 75 to regulate the extracting of resin in and its removal from a private forest.—(1) Instructions contained in Technical Order No. 13 shall be deemed to be the rules for resin tapping in private forests under this clause.

(2) Extraction and removal of resin from notified private forests shall be regulated according to rules made under section 14 (2) of the Act. In the case of controlled forests extraction and removal of resin shall be carried out and controlled by the Forest Officer in the same manner as for Government protected forests.

31. *Rules under clause (o) of sub-section (2) of section 75 to regulate working of mines and quarrying of minerals for purpose of section 50 read with section 76 of the Act.*—(1) If any prospecting, quarrying or mining lease in a controlled forest has been granted by any person legally entitled to mineral right (hereinafter referred to as mineral-owner) prior to the forest having been taken over under the said Act, or whenever any such lease is granted by him after the forest has been so taken over the grantee shall report to the forest officer the name and address of the lessee together with the terms of the lease.

(2) The mineral owner or the lessee or their agents and workmen shall at all times have the right and liberty to enter upon any part of the Controlled Forests without 1st or hinderance for purposes of prospecting, quarrying or mining, but they shall do nothing in respect of any forest produce nor shall they disturb the surface in any way except as hereinafter provided.

(3) Where prospecting, quarrying or mining operation does not involve the clearing or cutting of any forest growth, it may be done without the permission of or without reference to the Forest Officer.

(4) Where the prospecting, quarrying or mining involves clearance of undergrowth, such as shrubs or bushes over an area not exceeding one twenty-fifth of an hectare, but does not involve the cutting of any tree or pole sapling or bamboo, the clearance may be done but a report thereof shall immediately be submitted to the Forest Officer.

(5) Where prospecting, mining or quarrying necessitate clearance of undergrowth over an area exceeding one twenty-fifth of an hectare or the cutting down of trees or poles or saplings or bamboos, the previous permission in writing of the Forest Officer shall be necessary, and the clearance shall not be done or the trees or poles or saplings or bamboos shall not be cut until these have been marked by the Forest Department for felling and the royalty thereof assessed and paid:

Provided that the Forest Officer shall be at liberty to refuse to permit what he considers wasteful cutting or clearance of forest growth unnecessary for the rights of the mineral owner:

Provided further that an appeal against the Forest Officer's order shall lie to the Territorial Conservator of Forest within a period of three months from the date of original order, whose decision shall be final.

(6) If the mineral owner or his lessee desires to construct any read or building any other work or structure for purposes of mining or quarrying he shall obtain the previous permission of Forest Officer and shall pay compensation as assessed by the Forest Officer and abide by the conditions and regulations issued by the Forest Officer in this behalf.

(7) Mining and quarrying of stones and slates or burning of lime, etc. in controlled forests by persons who have no mineral rights in the said forests shall be subject to the terms and conditions or any lease sanctioned by the competent authority or any instructions issued in this behalf by the Forest Officer.

32. Rules under clause (p) of sub-section (2) of section 75 to regulate the powers and duties of a Forest Officer under the Act.—(1) (i) Unless otherwise specifically provided in these rules or by notification under clause (7) of section 3 of the Act, every gazetted Forest Officer (whether Class I or Class II) incharge of a territorial Forest Division, shall be deemed to be "Forest Officer" within his territorial jurisdiction, for the purposes of the Act and these Rules.

(ii) Without prejudice to the generality of the foregoing delegation, the Conservator of Forests within their respective territorial jurisdictions and also the Chief Conservator of Forests will, be competent to exercise the powers and discharge the functions of "Forest Officer" under the Act and these rules. Provided that if any such power is exercised or function discharged by the Conservator of Forests, then the appeal, if a provision exists in these Rules for such appeal, shall lie to the Chief Conservator of Forests.

(2) The Chief Conservator of Forests and all Conservators of Forests are empowered to exercise all or any of the powers conferred on the Divisional Forest Officers.

(3) For the purpose of section 64 all gazetted Forest Officers are empowered to compound forest offences other than those specified in section 61 and 62 of the Act with the permission of the court before which any prosecution for the offence is pending.

33. Rules under clause (g) of sub-section (2) of section 75 to regulate the items to be included as revenue and items to be included as expenditure in the account mentioned in section 43 and the manner in which such account shall be prepared.—(1) The revenue and expenditure accounts (including timber account) shall be maintained in the same manner as for a Forest Range. On the receipt side of the account shall be credited all cash and book transfer receipts of every description. The total income shall include the sale proceeds of forest produce as well as proceeds of confiscation or forfeiture in forest offence. On the expenditure or debit side of the account, shall be entered all cash and book transfer expenditure on works, staff, allowances and profits paid to the landlord under section 44, rewards paid to informers and officers in forest offences, expenses incurred on purchase and repairs of stores, tools and plant and other incidental and sundry charges incurred in connection with management.

(2) When the forests of two or more landlords are grouped together for management under section 46 then the apportionment of general cost on management shall be made in accordance with the areas of respective forests and intensity of works as the Forest Officer may decide with the approval of Territorial Conservator of Forests provided that any special charges incurred solely on account of management of any particular forest shall be debited to the accounts of that landlord.

(3) The apportionment of revenue derived from forests belonging to two or more landlords where the forests are grouped together for management and the forest produce is sold in one lot for unavoidable reasons shall be made on quantity of produce sold from each forest by the Forest Officer with approval of the Territorial Conservator of Forests provided that revenue derived solely, from any individual forest shall be credited into the accounts of the landlord of the said forests.

(4) An abstract of debit and credit to be made against each landlord shall be posted monthly in the cash book after close of the accounts as well as in separate ledger accounts to be maintained for each landlord.

(5) A profit and loss account shall be prepared for each landlord in accordance with instructions contained in section 44 at the close of the financial year.

APPENDIX 'A'

(See Rules 8 and 20)

The following headings will be used in writing up a Working Plan:—

TABLE OF CONTENTS

INTRODUCTION

Glossary of local names of trees, shrubs, etc.
Glossary of local terms.

PART I

Summary of facts on which proposals are based.

Chapter I.—The Tract dealt with.

Name and situation.

Configuration of the ground.

Geology, rock and soil.

Climate and rainfall.

Water supply.

Distribution and area.

State of boundaries.

Legal position.

Rights and concessions.

Chapter II.—The Forest.

Composition and condition of the crop.

Injuries to which the crop is liable.

Chapter III.—Utilization of the Forest Produce.

The people, their agricultural customs and requirements.

Markets and marketable products.

Lines of export.

Methods of exploitation and their cost.

Past and current prices.

Chapter IV.—Staff and labour supply:

The Forest staff.

Labour supply.

Chapter V.—Past system of management.

General history.

Past system of management and their results.

Special works of improvement undertaken.

Past outturn.

Past revenue and expenditure.

Chapter VI.—Statistics of growth and yields.

Growth and yield statistics of different species.

PART II

Future management discussed and prescribed.

Chapter I.—Basis of proposals.

General objects of management.

Constitution of working circles.

Blocks and compartments.

Period of the plan.

Necessity of intermediate revision.

Chapter II, III etc.—Details of management of each working circle.
(Separate chapter for each working circle).

General constitution.

Special objects of management.

Division into felling series.

Area.

Analysis and valuation of the crop.

Silvicultural system.

Rotation and exploitable size.

Division into periods.

Reduced areas and reducing factors.

Calculation of the yield.

Tabular statement of fellings.

Method of executing fellings.

Subsidiary operation.

Artificial regeneration, protection and tending of the crop.

Regulation and limitation of the rights of user.

Chapter Next.—Miscellaneous regulations.

Roads and paths.

Building and wells.

Fire protection.

Grazing.

Plantation and nurseries.

Survey and maps.

Collection and record of statistics.

Chapter Next.—Establishment and labour.

Establishment.

Labour.

Chapter Next.—Control and records.

Control forms.

Compartment and Block histories.

Note book of matters of special importance.

Fire records.

Chapter Next.—Financial forecast and cost of the plan.

Financial forecast.

Cost of the plan.

Chapter Next.—Summary of prescriptions.

APPENDICES

- I. Area statement.
- II. Enumeration results.
- III. Any rules, Government Notifications or orders relating to the forest.

IV. Statement of rights and concessions.

V. Any other matter affecting the legal position and management of the forest.

Date of issue.....

I/We certify that I/We have strictly carried out.....
the conditions attached to this licence and have felled.....trees
and converted.....scantling, ballies etc., as per
lists attached during the period of the licence i.e. from.....
to.....

Dated.....

Signature of the licence holder.

CONDITIONS FOR ISSUE OF THE LICENCE

1. This licence is personal and non-transferable.
2. This licence must be produced on demand by any Forest Officer or Police Officer.
3. This licence is valid only for the forest area, trees and period mentioned overleaf. The licence shall be surrendered to the issuing authority on the expiry of its period or completion of work whichever is earlier. If the work is not completed within the period it shall be stopped unless the period of the licence is further extended by the Forest Officer.
4. The licensee shall fell only such trees that are duly hammer marked by the Forest Department and covered by the licence. No other trees will be felled. If any trees are irretrievably damaged in the course of fellings, the licensee shall obtain a fresh licence for their disposal and shall not fell or convert them till then.
5. No tree or part thereof or timber obtained from the trees covered by a licence shall be launched into any river, stream or water, unless it bears a property marks or marks duly registered and is covered by a permit granted in this behalf by the Forest Officer and fees thereof are first paid under the river rules.
6. No trees, part thereof timber or fuelwood shall be exported by road by the licensee unless covered by a challan or permit issued by the Forest Officer subject to such restrictions he may consider necessary to impose as regards its check while in transit and the time between which the movement of such trees timber or fuel shall remain suspended.
7. The Forest Officer may at any time cancel the licence in case of abuse or breach of any rules and condition, stop the work and seize the trees or produce thereof to realise any Government dues. In the event of cancellation of the licence, the licensee shall have no claim against the Forest Officer or the State Government for any loss or damages on this account, nor he shall be entitled to any refund of fees paid by him. An appeal against the order of the Forest Officer shall lie with the Territorial Conservator of Forests within a period of three months from the date of Forest Officer's order.

FROM OF BOND VIDE SUB-RULE 2 (VI) OF THE RULE 5 UNDER SECTION 7 (B)
OF HIMACHAL PRADESH PRIVATE FOREST ACT, 1954

Know all men of these present that we the.....
and the..... and Shri.....
surities are held and firmly bound to the President of India in the sum of
Rs..... to be paid to the said President
of India, for which payment we bind ourselves and every two or one of us
jointly and severally of these present..... signed
this date.....19 .

A.

B.

C.

Whereas the said 'A' has been granted sanction under the provision of
Himachal Pradesh Private Forest Act, 1954 to fell trees from his land situa-
ted in Khasra No....., Village.....
Tehsil....., District..... Himachal
Pradesh.

Now the condition on the above written bond or obligation is that the
said 'A' shall fell the trees marked by the Divisional Forest Officer.....
.....Forest Division..... or any Officer
subordinate to him with the official mark. Secondly, the said 'A' shall pay
15% of the sale price of the timber to the Forest Department of Himachal
Pradesh Government as required under section 11 of the Himachal Pradesh
Private Forest Act, and further in addition to the above 15 per cent the said
'A' will deposit 5% of the balance of the price of the timber as security
with the Divisional Forest Officer.....Forest
Division..... and said 'A' will convert the area for
which felling of trees has been sanctioned into an orchard within a maximum
period of 5 years or bring it under cultivation within a maximum period
of 3 years. Thirdly, the said 'A' shall carry out such work as may be necessary
to conserve the soil of the land on which clear felling has been allowed.
If the area on which clear felling has been done is not converted in an
orchard or brought under cultivation to the satisfaction of the D.F.O., then
the security will be forfeited. If the said 'A' fully and faithfully performs and
discharges the duties and obligations which devolve on him by virtue of this
bond, then above bond or obligation shall be void otherwise the same shall
remain in full force.

Signed.

'A'

'B'

'C'

CONDITIONS FOR ISSUE OF THE PERMIT

1. This permit must be produced on demand by any Forest Officer or Police Officer.
2. The permit is valid only for reclaiming the Forest area mentioned overleaf for cultivation/fruit orchard.
3. The permit holder shall bring it completely under cultivation within a maximum period of three years or fruit orchard within a maximum

period of 5 years of the issue of this permit to the satisfaction of the Forest Officer failing which his security deposits shall be forfeited to Government.

4. The security deposits made by the permit-holder as mentioned under item 4 of the permit shall be refunded to him on completion of the said works to the satisfaction of the Forest Officer.
5. The permit-holder shall not convert the area covered by this permit into a *ghasni* nor use it for temporary cultivation only.
6. The trees marked for felling over the area covered by this permit shall be exploited as per rules issued under sections 11 and 15 (I) of the Act and subject to the conditions appearing on the back of Licence No..... dated..... granted to the permit holder for the purpose.

**FORM OF LICENCE UNDER PROVISIONS TO RULE 7 UNDER
SECTIONS 11 AND 15 (I), HIMACHAL PRADESH FOREST
DEPARTMENT**

.....FOREST DIVISION

**Licence for felling of trees for sale from Private Forests issued under section
11 and 15 (I) of the Himachal Pradesh Private Forest Act, 1955**

Licence No..... Fees paid Rs.....
Name and address of the Licensee.....
Area covered by the licence.....
Khasra Nos..... in.....
Villages..... Tehsil.....
District.....

ABSTRACT OF TREES MARKED

Species	Number of trees marked by D.B.H. Classes									Total
	V	IV	III	II-A	II-B	I-A	I-B	I-C	I-D	
	un- der 20 cm	20 to 30 cm	30 to 40 cm	40 to 50 cm	50 to 60 cm	60 to 70 cm	70 to 80 cm	80 to 90 cm	90 and over	
Deodar	..									
Kail	..									
Chil	..									
Fir	..									
Broad-leaved	..									
GRAND TOTAL	..									

Fascimile of marking hammer used.

In consideration of payment of Rs.....as Government fees at 15 per cent of the sale price, permission is hereby granted to Shri.....s/o Shri..... of Pargana..... Tehsil..... District to sell and convert marked trees as per abstract and area given above, subject to the rules issued under section 11 and 15 (1) of the Act, and conditions appearing on the back of the licence.

2. This licence holds good from..... to..... and shall be surrendered to the issuing authority on its expiry or completion of the work whichever is earlier after completing the certificate given below.

**FORM OF PERMIT VIDE FROVISO TO RULE 7 UNDER SECTION 7(B) HIMACHAL PRADESH FOREST DEPARTMENT
.....FOREST DIVISION**

Permit for reclaiming land for cultivation/fruit orchard in Notified Private Forests issued under section 7(b) of the Himachal Pradesh Private Forest Act, 1955

Permit No.....

1. Name and address of the permit-holder.....
2. Area covered by the permit:—
Area.....
Khasra Nos.....
Village.....
District.....
3. Fees paid.....
4. Security deposits made: (a) For terracing the land.
(b) For bringing it under cultivation or fruit orchard.

5. In consideration of payment of Rs.....as Government fees at 15 per cent of the sale price of trees and security deposits of Rs..... and Rs..... respectively for terracing the land and bringing it under cultivation/fruit orchard to the satisfaction of the undersigned, permission is hereby granted to Shri..... s/o Shri..... of..... Pargana..... Tehsil..... District to reclaim the area mentioned in this permit for cultivation/fruit orchard subject to the rules issued under section 7 (b) of the Act and conditions appearing on the back of this permit.

(Signature)

Divisional Forest Officer,

.....Forest Division.

Date of issue.....

By order,
P. K. MATTOO,
Secretary.